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**BUTTE COUNTY**

**GENERAL PLAN**


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**OPEN SPACE  
ELEMENT**

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THE OPEN SPACE ELEMENT  
OF  
THE BUTTE COUNTY GENERAL PLAN

A Plan for the Preservation of Open Space Land in Butte County

June, 1973

Butte County Planning Department





## 1. INTRODUCTION

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Most of man's activities require an area of land and the space above it. The Open Space Element focuses on those activities which use extensive land areas with little development of permanent structures. Open space uses such as agriculture, grazing and timber production occupy most of Butte County and are important both to the economic system and to the quality of our environment. This plan considers each type of open space land in the County, why it is important, and policies and actions to preserve these areas.

## 2. OPEN SPACE VERSUS URBAN DEVELOPMENT

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Open space uses differ from urban land uses in their intensity and degree of development. Compared to rural areas, cities are areas of concentrated activity and dense population. Much of the land surface in urban areas is covered with pavement, buildings and other man-made objects. Walls, fences, property lines and the circulation system tend to separate activities and divide up the space. Because urbanized land is intensely used and substantially occupied, it is "closed" space rather than "open" space.

Human growth and progress tends to convert open space to urban land uses. As human technology advances, a smaller proportion of people need devote their time to the primary economic activity of producing food and fiber from the land. The cities grow as people leave the land and move near concentrations of businesses and services. As the population increases urban areas must expand into the surrounding open space, preempting the less-intense rural land uses.

The major objective of the Land Use element is to provide suitable spaces for all land uses, but especially urban uses which must relate closely to each other and to public facilities. The Land Use element designates the amount and location of land allocated for urbanization before the year 2000. The designated urban areas are extensions of the existing cities which have a full range of public utilities and services. The other small communities of the County are not designated as urban areas because they do not have the numbers of people to support a wide range of urban facilities.

The development of small isolated residential areas creates several public problems other than the reduction of open space. Some urban development disrupts rural activities and spoils the land's scenic qualities. Another problem is the premature creation of lots which don't sell and can't be built upon. Many isolated residential developments are difficult to provide with public services. It is true that such subdivision can increase property tax revenues. However, they can be a fiscal drain on the County when enough scattered development has taken place to require such services as road improvement, snow removal, schools, waste disposal, police and fire protection.

#### RECOMMENDATIONS

- A. The County should set large minimum parcel sizes for open space lands outside the urban areas indicated on the Land Use Plan Map. "Urban development" would then be defined as the creation or use of smaller parcels.
- B. The County should not allow urban development of open space land described in this plan.
- C. Studies should be conducted to determine the urban development capabilities of the foothill and mountain areas.



- D. The County should allow urban development only in areas physically suited to such use.
- E. The County should discourage urban development isolated from existing development and urban centers unless such a need can be determined.
- F. The County should permit the creation of residential parcels near large numbers of vacant sites of similar characteristics only if such a need can be demonstrated.
- G. The County should designate, at least once every five years, the land available for urban development.

### 3. AGRICULTURAL LAND

The County's agricultural land is located on the Sacramento Valley floor and in the low foothills of the Sierra Nevada. These are the areas of alluvial deposits and deep permeable soils that are indicated as Classes 1 to 4 on the Soils Map. According to the Agricultural Crop Report, 52% of the County was used for agricultural crops in 1972. Butte County is a leader in acreage devoted to rice, nuts, fruit and olives. Another agricultural use requiring extensive open space is the raising of cattle, sheep and goats. Most of the County's grazing land is located on less-than-prime soils in the foothills.

Agricultural crops in Butte County had a record value of \$74,296,000 in 1973. The income received by producers is distributed to suppliers of goods and services and thereby multiplies the economic importance of agriculture. Agricultural land uses also produce far more in tax revenues than they require in local government expenditures.

The irreversible conversion of agricultural land to urban use threatens both the production of food and income from agriculture. Much of the growth of the cities

in the County has been at the expense of the productive land which economically supports those same cities. This unfortunate growth can be explained by the level surface and permeable soil of these areas; such land is suited to both agriculture and urban development. Conversion of agricultural land occurs when the urban land users want the land for sub-urban residences or other "higher" uses and can offer sufficient profits to the property owner to induce him to subdivide, sell or build.

County government can prevent urbanization of prime agricultural land through its legal authority to regulate private land use for the public welfare. California courts have upheld the Constitutionality of zoning to preserve resource-production areas. Zoning regulations can restrict the use of land, require use permits and specify the minimum parcel size. It is appropriate to set large minimum lot sizes for agricultural areas since small parcels can rarely be used economically for agriculture.

Article XXVIII of the California Constitution declares that it is in the interests of the state to preserve lands used for the production of food and fiber and that assessment practices must be so designed. The Williamson Act has attempted to implement this objective. According to its provisions, an agricultural landowner can enter into a contract with the County that commits his land to open space uses for ten years. About 95,000 acres of the County is under contract at this time but less than half of that is classed as "prime agricultural land" by Williamson Act definition. In assessing the property, the tax assessor is directed to consider the contract restrictions and the income from agriculture, rather than the urban development potential. The State then reimburses the County for any tax losses.

#### RECOMMENDATIONS

- A. All "prime agricultural land" (as defined in the Williamson Act) should be designated as "Agricultural" on the Land Use Plan Map.
- B. Agricultural zones should allow only open space uses described in this plan and necessary related structures.
- C. A minimum parcel size of 5 to 160 acres should be specified for each agricultural zone.
- D. The County should encourage all agricultural land owners to enter open space agreements.
- E. The County should support all state and federal legislation designed to preserve soil and agricultural land.

#### 4. TIMBER LAND

More than a third of the County is forested. Some of the valley hardwoods, especially oak and walnut, are commercially valuable, but the most valuable forests grow above 1500 feet elevation. Here ponderosa pine and Douglas Fir is harvested to be processed into building materials and pulp products. Much of this highly productive land is owned by large private firms; Diamond International, Louisiana Pacific, Southern Pacific, Soper-Wheeler. 124,000 acres is included in the Lassen and Plumas National Forests.

The preservation of this timber land is important to the County for several reasons: 1. A large percentage of the County's labor force is employed in the wood products industry, and the potential exists for future expansion, especially in pulp and paper production. 2. Like most resource-production activities, the lumber industry is a basic economic activity which brings income into the County. One quarter of National Forest earnings are also turned over to local governments; Butte County received \$196,271.52 in 1972



from Alumas National Forest. 3. Residential construction in Butte County will continue to require wood products. However the financial situation of timber companies discourages reforestation and encourages the sale and conversion of productive timber land.

The County's forested mountains are valuable as many types of open space; timber land, scenic areas, watershed, wildlife habitat, recreation sites, natural areas. The U.S. Forest Service recognizes these many functions in their multiple-use concept of management. A variety of activities are allowed to use National Forest land without destroying it.

These are several possible ways to preserve and protect timber land. Lumber can be obtained with minimum environmental impact and reforestation afterwards. Tax laws can weaken the economic pressures to convert timber land. Urban development can be regulated, limited or prohibited.

#### RECOMMENDATIONS

- A. Studies should be conducted to determine the multiple-use capabilities of forested areas.
- B. The County should determine the forest areas which are to remain in the various open space classifications and designate them on the Land Use Plan Map.
- C. The County should not allow in timber-mountain areas the construction of any roads or buildings which are not necessary to open space uses.
- D. Logging practices should be studied and regulated to preserve the land's potential for timber production.
- E. The County should encourage the owners of timberland to enter open space agreements.

## 5. WATER RESOURCE AREAS

Butte County has an abundance of water resources. Precipitation ranges from 18 inches per year along the Sacramento River to 90 in the mountains. Surface water bodies cover 30 square miles of the County; this doesn't include the many rivers, streams and canals. Several of the County's waterways have been designated as significant water resources by the State: Sacramento River, Big Chico Creek, Butte Creek, Butte Sink, Lake Oroville, Feather River and its Middle Fork.

Water resources are essential to our existence in many different ways. We consume water directly. Water is required for the growth of food crops, livestock, forests, fish and wildlife. We use water for cooking, sanitation, fire protection and manufacturing. Water resources create recreational and scenic opportunities.

To reach surface water bodies precipitation must fall on the land and move downward in rivers and streams. The quantity, quality and rate of flow of water from the land is largely determined by vegetation, soil characteristics and surface slopes. Man also has a great influence through his control of land uses and vegetation. The management of watersheds is as important as the control of surface waters to the preservation of water resources.

Man's activities often upset the ecological balances of good watersheds. Rates of water evaporation and transpiration can change when trees are cut. Roofs, pavement and other impermeable surfaces prevent natural absorption and increase run-off. Any development in mountain areas that requires site clearance or road construction can create heavy sediment loads that can ruin fishing waters and fill up channels and reservoirs. The chemical pollutants we produce can harm or destroy animal species.



## RECOMMENDATIONS

- A. Studies should be conducted to determine the erosional characteristics of mountain watersheds in the County.
- B. No urban development should be permitted on highly erodable land.
- C. Logging, mining, recreational vehicles and other open space uses should be regulated to prevent erosion and protect water resources.
- D. The County should control land use and water pollution in accordance with state water quality control guidelines.

## 6. WILDLIFE HABITAT

A suitable habitat for wild animals must include sufficient food, water, cover and space. Butte County has an abundance of suitable natural areas, but their value as wildlife habitat is deteriorating as urban development continues.

The largest habitats shown on the Wildlife Map are the seasonal ranges for migrating deer herds. The summer ranges are the high altitudes of the National Forests. In winter the herds move down to the oak, grass and chaparral vegetation between 500 and 2000 feet elevation. However, these winter ranges are also areas of substantial residential developments near Cohasset, Concow, Yankee Hill, Berry Creek, Lake Wyandotte and Bangor.

Several other areas are important habitats for smaller animals. The seasonal and permanent marshes of Butte Sink and the Grey Lodge Waterfowl Management Area support many waterfowl. The shores of the Sacramento River and the Feather River below Oroville provide cover for a wide variety of wildlife; pheasant, quail, doves, songbirds, fur-bearing mammals.

Lake Oroville and all of the County's larger streams are highly valued as habitat for such fish as trout, salmon, striped bass, shad and warmwater species. The maintenance of their premium classification depends on the surrounding land uses. Erosion caused by urban development often creates water-borne sediments which can destroy spawning beds and aquatic insect production.

#### RECOMMENDATIONS

- A. The County should encourage the creation and expansion of conservation and natural wilderness areas.
- B. The County should regulate residential development in the foothills to facilitate the survival and migration of deer herds.
- C. The County should not allow any urban development in the Butte Sink area, the marshes near the Sacramento River and the borrow area along the Feather River.
- D. The County should not allow any urban development which would increase sediment loads in prime fishing waters.

#### 7. OPEN SPACE FOR OUTDOOR RECREATION

Outdoor recreation areas are plentiful in Butte County. Most of the National Forest land is available for outdoor recreation activities. Recreational sites in the Plumas National Forest include 39 campgrounds, 14 picnic areas, and several hundred miles of hiking and jeep trails. Much of the mountain lands owned by timber companies can also be used for recreational purposes. The State Department of Parks and Recreation manages the extensive recreation facilities around Lake Oroville and the Thermalito Bays. Local recreation areas in Butte County are maintained by the four cities and the five recreation

districts. One of the local facilities, Bidwell Park in Chico, is the second-largest city park in the country.

The existing Recreation Element of the General Plan describes public recreation facilities in the County and discussed the recreational needs of residents and tourists. However, no new projects were proposed and no suitable sites were recommended for acquisition.

County government has only recently begun to assume a role in the provision of recreational facilities. The Lime Saddle boating area was managed by the County from July 1969, to March 1973. A committee of local recreation agencies has just been formed, and with county-level assistance, will evaluate recreational needs and determine the priorities for expenditure of the county's allocation of state recreational funds.

Some recreational activities involving vehicles and/or travel require linear areas or corridors. Trails for hiking, bicycling and horse-riding are the narrowest type of recreational corridor. These three activities do not use the same corridors because bicycles need a smooth surface with gradual slopes. The operators of cycles, jeeps and dune buggies prefer unpaved open areas with moderate slopes. The widest type of recreational corridors are scenic highways in rural areas with a rolling or mountainous topography.

#### RECOMMENDATIONS

A. The County should financially or politically assist the development or recreation facilities commonly used by people outside the city or district.

B. The Butte County Association of Governments should coordinate the distribution of state and federal grants to local recreation agencies.

C. The County should encourage the State Department of Parks and Recreation to complete their development of recreational facilities in the Lake Groville State Recreation Area.

D. The Recreation Element should be revised by updating the description of existing facilities, by estimating future needs, and by designating suitable sites for future development.

E. The County's scenic corridors should be analyzed and a Scenic Highways element prepared.

F. The County should encourage the development of suitable private and commercial outdoor recreation areas, especially campgrounds and off-road vehicle areas.

#### 8. AREAS WITH DEVELOPMENT HAZARDS

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Some open space lands should remain open, not to protect environmental resources, but because of the presence of development hazards. Buildings can be irreparably damaged by "Acts of God" in special areas such as flood plains, unstable soil areas, earthquake fault zones and areas of high fire risk.

The Flood Control map shows the flood plains of the Sacramento River and its tributaries. Preliminary study indicates that there are no active earth faults in the County. The existence of unstable soil areas is also a matter of conjecture until more detailed geologic data is obtained. This geologic information will be obtained in the preparation of the Seismic and Safety elements of the General Plan.

It is known that portions of the Sierra foothills have a high risk of fire damage. However, these areas are not yet mapped accurately. The preparation of the Safety Element will also require the designation of fire hazard areas. Another

newly-mandated General Plan element is the Noise Element. This will require the mapping of noise levels around airports and major highways.

#### RECOMMENDATIONS

- A. The County should not allow urban development in designated flood plains.
- B. Areas of unstable soil, earthquake faults and high fire risks should be located, studied and mapped as a guide to the use of such lands.
- C. The County should plan for protection from fires and geologic hazards by preparing and adopting the Seismic and Safety elements.
- D. The County should prepare a Noise Element that indicates areas with high noise levels.



THE ENVIRONMENTAL IMPACT REPORT  
FOR  
THE OPEN SPACE ELEMENT  
OF  
THE BUTTE COUNTY GENERAL PLAN

Prepared by  
Butte County Planning Department

Revised and approved by  
Butte County Planning Commission  
June 21, 1973



## I. DESCRIPTION OF PROJECT

- A. Location The jurisdiction of the General Plan, and therefore the Open Space element, is the unincorporated areas of the County of Butte, California.
- B. Objectives Under state law county general plans must contain an Open Space element, a plan for the preservation of open space land in the county. "Open Space land" is defined as "any area of land or water which is essentially unimproved and is designated on an open space plan as any of the following:
- (1) Open space for the preservation of natural resources;
  - (2) Open space used for the managed production of resources;
  - (3) Open space for outdoor recreation;
  - (4) Open space for public health and safety."
- C. General Description The Open Space plan considers each type of open space, why it is important and methods to preserve it. Because urban land uses and open space activities are often incompatible, a main focus of this plan is the detrimental effects of urban development. The proposed "project" is actually the adoption and implementation of the recommended policies and actions. The recommendations can be summarized as follows:
- (1) The Planning Department should conduct studies of land use and development capabilities.
  - (2) Urban areas and open space land should be designated on the Land Use Plan Map.
  - (3) The County should prohibit urban development of designated open space land through restrictive zoning.
  - (4) The County should regulate the environmental impact of urban development.
  - (5) The County should encourage reasonably compact and orderly urban development.
  - (6) The County should support and use state and federal preservation programs.

## II. ENVIRONMENTAL SETTING

Butte County has an area of 1,665 square miles and is entirely contained within the eastern half of the Sacramento River basin. Elevations increase steadily from 50 feet above sea level at the river on the west to over 7,000 feet in the mountains on the east. The mountains are the northernmost of the Sierra Nevada range, a north-south fault uplift tilting to the west. The surface environment can be largely explained by this slope. Prevailing westerly winds from the Pacific Ocean are interrupted by the higher elevations and drop considerable precipitation, much of it in the form of snow. Precipitation varies with elevation from 20 inches in the valley to 90 inches in the mountains. Within the mountain region the heavy waterfall supports abundant forests and wildlife and erodes the slope into canyons and ridges. Mountain-fed streams drop their sediment in the valley, creating areas of very fertile soils.

Man's use of the land is closely related to these physical characteristics. The number of dams, reservoirs, canals and levees reflect the County's dependence upon water facilities. The valley floor is largely irrigated crop land. Grazing and orchard crops take up most of the land between the prime soils and 2,000 feet. The areas of higher elevation, rainfall and slope are used for timber production and recreation.

The current population of the County is estimated at 110,000. Half the population resides on the valley floor in Chico, Gridley, Biggs and other urban centers supported by agriculture. The remainder live in Paradise, Oroville and the extensive residential areas of the foothills.

Several environmental resources are of statewide significance according to the Governor's Report on Environmental Goals and Policy. Most of the valley floor is classed as "prime agricultural land" by state legislation. The mountain timber areas are among the most productive in the world. The water from the Feather River basin serves agriculture in the Central Valley and the domestic needs of Southern California. Rare and endangered life forms include eight plant species and four bird species. The Butte Sink marshes and the marshes along the Sacramento and Feather Rivers are important habitat for waterfowl and small game. These rivers, Butte Creek, Big Chico Creek and Lake Oroville are identified by the State as "extraordinary fishery waterways." The foothills are winter ranges for migratory deer herds. Scenic resources include

the Pacific Crest Trail and Highway 70 through the Feather River Canyon.

There are a variety of other government programs whose objective is the preservation of open space lands. National Forests occupy 10% of the County. Recreation areas around Lake Oroville, the Thermalito Bays and the Feather River are owned and operated by the State Department of Parks and Recreation. The Grey Lodge Waterfowl Management Area is also a state program. The Williamson Act program allows agricultural landowners to commit their property to agricultural uses and waive some property taxes. Local recreation facilities include Bidwell Park, the second-largest city park in the country. Preservation of open-space land is also an objective of other General Plan elements: Land Use, Conservation, Recreation, Scenic Highways and Safety.

### III. ENVIRONMENTAL IMPACT

- A. Type of Impact General planning elements attempt to consider the long-term effect of public and private activities. Nevertheless, it is difficult to specify their long-term environmental effects. Because this type of planning is general in scope, the physical effects can rarely be quantified and measured. The questionable legal status of a general plan and the uncertain future of its recommendations make the determination of environmental impact a speculative matter.

For the purposes of this report we will assume the planning recommendations are fully implemented. We must maximize the possible impact in order to shed light on possible adverse effects.

The full implementation of the Open Space Plan will be a long process. First, the Planning Commission and Board of Supervisors must separately consider, amend and approve it. Since state laws specify only the subjects of local planning, the policies approved and the actions taken are local decisions. The adoption of this plan will therefore create a semi-legal statement of the policies and intentions of the County.

The fulfillment of those intentions will require the efforts of both the Supervisors and staff of County government. Staff will gather information and make recommendations on suitable land uses, density standards and other regulations to control the negative effects of urban development. Zoning ordinances and appropriate legislation will be enacted by the Planning Commission



and the Board of Supervisors. Regulations will then be publicized, interpreted and enforced by staff members of the Planning, Public Works and legal departments. This final step, the application of ordinances, is the "project" which will affect the environment.

The objective of the Open Space Plan is to preserve open space lands. The plan proposes to implement this objective by prohibiting urban development of critical resource areas and regulating the development of other areas. By adopting and following this plan the County is attempting to minimize the effects of urban growth on open space and essential natural resources.

The Open Space Element is intended to have a positive environmental impact. Indeed, the Open Space and Conservation Elements together could be considered as the Environmental Impact Report of the entire General Plan. The policies are directly related to the general goal of preserving open space lands. The implementation of preservation policies would therefore have a positive environmental impact.

- B. Unavoidable Adverse Effects The implementation of the Open Space Plan may create an adverse environmental effect of major significance: increased densities in the urban areas of Butte County. This effect is a logical consequence of population growth in a limited space. At current growth rates the County's population will double by the year 2000. The demand for urbanized space (houses, business, streets, utilities, etc.) and the need for open space land (agriculture, forests, water resources, etc.) are both increasing rapidly. The supply of land, whether for urban or rural uses, is limited. The Open Space Plan would further limit the land available for urban development. The urban areas designated on the Land Use Plan are 10% of the County's land and could accommodate 400,000 people at current densities. If population growth continues and if the County limits that growth to certain areas, the densities of urban development must eventually increase.

Increased densities of people, structures and activities tend to concentrate and intensify environmental problems. Waste products such as sewage, garbage and vehicle exhausts pollute the environment. High noise levels can also be hazardous to physical health. The mental well-being of urban residents is often affected by the crowded conditions, lack of privacy and unnatural visual surroundings.

- C. Proposed Mitigation Measures Although the Open Space Plan emphasizes rural land uses, some of its recommendation would also serve to mitigate the detrimental effects of concentrated urban development. Preserving outdoor recreation areas and prohibiting development of water resource areas and hazardous areas are methods commonly used to provide open space and lower the density of urban areas. The retention of 90% of the County as open space would also provide some of the space needs of the urban residents. The Plan contains no other proposals to lower urban densities or mitigate adverse environmental effects of the Plan.
- D. Alternatives: There is no alternative to the development of an Open Space Plan for Butte County because State law requires counties to prepare plans for the preservation of open space lands. However, there is a variety of alternative policies the County can adopt and implement.
1. The County could adopt no preservation policies and allow urban development of any and all areas of the County. Such a policy could irreversibly damage the physical environment. The Plan itself points out many of the negative effects of urban development. The total impact of uncontrolled development would be a combination of erosion, water pollution and the irreversible loss of resource-production land, wildlife habitat and recreational open space.
  2. The County could adopt extremely restrictive policies and prohibit all development outside the presently designated urban areas. This course of action would concentrate all future growth into 10% of the County. The environmental impact on open space lands would be slight and therefore positive. The Plan did not propose this extreme position for reasons:<sup>1</sup> Such a policy might be overly restrictive of personal property rights and could constitute condemnation without compensation. <sup>2</sup> The application of extreme development restrictions at this time would be a sudden change of policy for the County and would encounter strong resistance from the many residents who depend on real estate and construction for their livelihood.
  3. The recommended course of action is neither of these extremes. The open space plan is designed to permit development of suitable areas while local legislation

is studied, considered and adopted to preserve certain undeveloped areas. The plan will tend to restrict the subdivision and conversion of open land. The details of the plan will be gradually determined by the interpretation of adopted policies to specific areas. The degree of restrictions on development will depend upon future decisions made by the Planning Commission and Board of Supervisors after public hearings and discussions.

- E. Short-term uses versus long-term productivity Section B described the adverse long-term effects of the Open Space Plan. The Plan proposes no local short-term uses of the environment. Public concern with the long-term productivity of the land has led to the State Legislation which requires local open space plans. Thus, the maintenance of resource-production areas is a dominant goal of this element.
- F. Irreversible Environmental Changes Since the Open Space Plan is intended to preserve the non-renewable resources of Butte County, including but not limited to timber lands, mineral resources, wild life habitat, fisheries, and areas of historical and scenic value, it is not anticipated that the policy recommendations contained in the Plan would create conditions of dramatic change in the land use leading to environmental changes.
- G. Growth-Inducing Impact The objective of the Open Space Plan is to provide a guide for the use of Open Space Land, appropriate to the topography, climatic conditions and soil conditions, which will allow the use of non-renewable resources with a minimum disruption of fish and wildlife habitat and which will not lead to the general degradation of the land. Therefore, the Plan has recommended that the more urban uses of the land be minimized. The policy recommendations of the Plan should not have a growth-inducing impact on the Open Space Lands.

COMMENTS ON DRAFT E.I.R. FOR THE PROPOSED  
OPEN SPACE ELEMENT  
OF THE BUTTE COUNTY GENERAL PLAN

Written comments were made before the public hearing by William E. Hazeltine, Ph.D. A copy is attached. He first suggested three wording changes which would clarify certain phrases. Next he asked for a definition of a "critical resource area." He then questioned the assumption that the preservation of open space lands inherently has a positive environmental impact. He felt that the total impact was difficult to evaluate because all the positive and negative factors were not presented. Finally, he asked for the clarification of the chosen alternative and the reasons for so choosing.

At a public hearing beginning on June 14, 1973, a variety of comments were presented. Speakers often confused the Environmental Impact Report with the plan itself and rarely spoke to the environmental impact of open space preservation or the substance of the draft E.I.R. This attachment summarizes only those hearing comments that are relevant to the Report. Other comments on the plan itself and planning in general are summarized in the official minutes of the Planning Commission meeting.

Louis Camenzind of the Planning Commission asked if economic effects of the plan were considered and if they shouldn't be included. County Counsel, Neil McCabe was of the opinion that State legislation suggested that decision makers consider all factors, including economic, but did not require the E.I.R. to directly consider any economic effects of a project other than resource consumption and growth inducement. However, he said that the legislature is considering requiring Economic Impact Reports also.

Clinton Bennet believed that an E.I.R. should consider all the positive and negative effects of a project, including economic factors. He felt that the draft E.I.R. was very inadequate because it did not specify, weigh and measure all possible factors.

Al Appleman termed the draft (and plan) "amateurish" and questioned the "disastrous" nature of completely uncontrolled urban development. (See "D.1." in the E.I.R.)

James Oberholtzer felt that the draft was too speculative and said that the Plan should mitigate the adverse effects of increased densities in urban areas by allowing urban development of more areas and somehow providing more open space within urban areas.



## COMMENTS (Continued)

At the continuation of the hearing on June 21, 1973 the first speaker was Bob Fredenburg. He thought that the term "disastrous" might be correct in describing the environmental effects of uncontrolled urban development.

Al Appleman explained the term "trump ace" they are preventing development so that they can eventually take over the land.

Wes Dempsey of Chico said that he represented the 400 members of the Yahi Group of the Sirra Club and that they supported the report and plan.

Frank Donati objected to two portions of Section III - F. "Non-renewable resources" can eventually be renewed by natural processes. He thought that resource areas should be preserved for resource-production activities.

Glynn Douthit felt that Environmental Concern had gone far enough.



TO: Butte County Planning Commission

FROM: William E. Hazeltine, Ph.D. *W. E. Hazeltine*

SUBJECT: Comments on Draft E.I.R. for Proposed Open Space Element of Butte County General Plan, dated May 14, 1973.

In response to your request for comments on your captioned E.I.R. draft, I see no large problems and some real benefits from your plan and suggested actions. I would suggest you might want to allow for some intermediate type of position, and consider the consequences in your E.I.R. Good land development and planning seem to require some discretion in decision making - Preservation of open spaces needs to be to the extent it is not oppressive and is necessary to prevent excess urban encroachment.

Specific suggestions for changes are as follows:

Page 1 - C 3. to read---- of designated open spaces (see paragraph 5 of III A, p. 4)

Page 1 - C 5-----encourage reasonably compact

Page 3 - Change line 11---- uses and have the property taxes waived .

Page 4, paragraph 5 -- need to define a "critical resource area"

Page 4, paragraph 6 can lead to problems - The pure positive aspect of open space is in question, and a list of the comparison values which lead you to a balance on the beneficial side of the scale is really called for. I do not find the list of the impacts you have considered, and such a list should be included. The present E.I.R. reads more like a negative declaration because the factors are not all laid out. You state earlier that the impact is speculative, but you have not given the basis for your speculative conclusion.

Page 5 D--This implies your 10% of total land for urban land use is a compromise proposal (under Section B) yet you consider a strict 10% limit is one of the alternatives. If you are proposing a less strict application

of permits on the 90% open space, instead of an alternative strict 90% limit, this should be made clear.

You might consider an addition<sup>al</sup> test of carrying capacity or assimilative capacity, as a measure of maximum desirable urban density. This would allow flexibility in the use of open space and still recognize the basic reason for applying environmental constraints. Open space should not be seen as a trump ace in some future card game which we save up untouched now and use later.

## RESPONSES OF STAFF AND ENVIRONMENTAL REVIEW COMMITTEE TO

### COMMENTS OF DRAFT E.I.R.

Wording Changes: The three wording changes suggested by Dr. Hazeltine would clarify the affected phrases and should be made. See the attached copy of his comments for details.

Definition of "Critical Resource Areas": The term "critical resource areas" does not need further definition because it refers to the types of areas already described in the plan.

Environmental Benefits of Open Space Preservation: It is difficult to find any basis for not assuming that the preservation of open space lands has an inherently positive environmental impact. Although viewpoints differ widely on how serious ecological problems are and the relative weight of economic and environmental factors, they all seem to agree that there is some value in preserving agricultural land, timber land, water resources, wildlife habitats and recreation areas. State guidelines and legislations state this assumption quite clearly.

Positive and Negative Factors: Several comments criticized the simplicity and one-sidedness of the draft. They thought that many more factors should be considered, that every possible positive and negative effect should be described and that all the effects should be weighed to determine if the positive impact is greater than the negative. State guidelines obviously recommend that this process be followed in evaluating the environmental impact of a proposed project. However, a general plan element is not the usual type of "project." The "project" area is all of the unincorporated area of the County. The draft considered the impact of the open space plan on this area. Because this "project" involves no actual construction and attempts to prevent much inappropriate construction, the direct environmental impact is small and it is difficult to measure any physical effects. Furthermore, the details of open space preservation in Butte County will only become known as general policies and intentions are implemented in the future. Positive and negative factors were not detailed and measured for the above reason and for reasons described in "III-A." of the E.I.R.

Clarify Chosen Alternative: First of all, it seems clear that the existing Land Use Plan Map is the chosen alternative for the final designation of urban development areas. Many of the plan's recommendations are for further study and map modifications and none proposes permanent adherence to the presently designated urban areas. It is true that the alternative chosen, the adoption of general preservation policies now with map designations to be worked out, is not described separately. The opposite extremes of preservation policies are presented and the reasons given for not choosing them in "III - D. Alternatives". The comments on this point indicate both the significance of this issue and the need for clarification of the proposed course of action. Therefore, we would recommend the addition of the following paragraph to Section D on page 5 of the draft:



- "3. The recommended course of action is neither of these extremes. The open space plan is designed to permit development of suitable areas while local legislation is studied, considered and adopted to preserve certain undeveloped areas. The plan will tend to restrict the subdivision and conversion of open land. The details of the plan will be gradually determined by the interpretation of adopted policies to specific areas. The degree of restrictions on development will depend upon future decisions made by the Planning Commission and Board of Supervisors after public hearings and discussions."

Alternative 2. can also be clarified by changing the first sentence to read:

". . . outside the presently designated urban areas."

Economic Impact: County Counsel's verbal opinion on this point is included in the attachment of Comments. To elaborate further, only some economic effects of a project are considered in the Environmental Impact Report. One economic concern is the supply and consumption of useful natural resources. Another economic factor discussed in the Report is the growth-inducing effects of the proposed project. In the long run, many adverse impacts of environmental quality are also threats to human health and safety and therefore could curtail each person's potential for economic productivity. Thus, an E.I.R. does consider some long-range economic effects.

"Disastrous" Impact of Urban Development: The word "disastrous" in alternative No. 1, may be a little too dramatic and should be clarified. The sentence should be changed to read:

"Such a policy could irreversibly damage the physical environment."

Amateurish: Local environmental review procedures were adopted only two months ago. The Open Space Environmental Impact Report is comparable to the ten-or-less other reports written by County staff and the Environmental Review Committee. Furthermore there were no examples of Reports for General Plans or elements thereof when the draft was prepared.

Open Space in Urban Areas: Mr. Oberholtzer was the only speaker to comment on adverse environmental effects of the Plan. He agrees with the draft that restricting urban development to certain areas would probably increase residential densities and eliminate some open spaces within urban areas. One thing he may have overlooked is that the Open Space element and the entire General Plan are applicable only to unincorporated areas of the County. Each of the four cities does its own planning and maintains its own density standards and development controls. This means that the densest half of our urban areas is outside the jurisdiction of the Plan. Paradise, Palermo, Durham, the many other smaller communities and the suburbs of the four cities occupy less than 5% of the unincorporated portions of the County. So the preservation of open space in Butte County is mostly a problem of preserving rural land uses.

Since the county's population is growing steadily, some provisions must undoubtedly be made for preserving open space within developing areas. Current zoning regulations contain setback requirements and require minimum lot areas of 8,125 square feet to 160 acres. Subdivision ordinances give the County the

authority to require considerable open space within a residential subdivision. Section C of the draft points out the plan proposals which would serve to mitigate the adverse effects of urban densities. Prohibiting development of water areas, floodplains, steep slopes and prime agricultural lands would provide some relief where these areas are adjacent to urban areas.





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